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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,867	06/19/2001	David John Gagnon	12552-367	1562

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,867

Applicant(s)

GAGNON ET AL.

Examiner

Rob Rhode

Art Unit

3625

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant amendment of 8-20-04 amended the drawings and claims 1, 3, 6, 9, 11, 14, 15 – 17, 21, 24 and 27 as well as traversed rejections of Claims 1 - 27.

Currently, claims 1- 27 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 16 and 18 - 27 are rejected under 35 U.S.C. 102(a) as being unpatentable over “Business Edge Solutions Debuts velOSSity 3 Platform at Telestrategies OSS World 2001”; PR Newswire; New York; Feb 6, 2001 and MicroStrategy web page prints captured via the WayBackMachine (archieve.org) of May 20, 2000 [hereafter collectively referred to as “MicroStrategy”] in view of Olshansky (US 6,567,854 B1).

Regarding claim 1 and related claims 11, 21 and 22, MicroStrategy teaches a method of communicating business information using a network-based system including at

Art Unit: 3625

least one server coupled to a database and at least one device, said method comprising:

creating a plurality of dashboards (see at least Page 2);

storing the dashboards in the database (see at least Page 4);

populating the dashboards using information from the database (see at least Pages 4 and 17 – 22);

providing the dashboards to a user through the device (see at least Pages 2 and 6).

However, MicroStrategy does not specifically disclose and teach a method of recreating, by the at least one server, the plurality of dashboards on a periodic basis.

On the other hand and in the same area of providing information by communicating with a user via dashboards, Olshansky teaches a method of recreating, by the at least one server, the plurality of dashboards on a periodic basis (Col 17, lines 60 – 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of MicroStrategy with the method of Olshansky to have enabled a method of communicating business information using a network-based system including at least one server coupled to a database and at least one device, said method comprising: creating a plurality of dashboards; storing the dashboards in the database; populating the dashboards using information from the database; providing the dashboards to a user through the device and recreating, by the at least

Art Unit: 3625

one server, the plurality of dashboards on a periodic basis – in order to have dashboards updated with more current data. MicroStrategy discloses a method of communicating business information using a network-based system including at least one server coupled to a database and at least one device, said method comprising: creating a plurality of dashboards; storing the dashboards in the database; populating the dashboards using information from the database; providing the dashboards to a user through the device (see at least Pages 1 - 6). Olshansky discloses a method of recreating, by the at least one server, the plurality of dashboards on a periodic basis (Col 17, lines 60 – 61). Therefore, one of ordinary skill in the art would have been motivated to extend the method and system of MicroStrategy with a method of recreating, by the at least one server, the plurality of dashboards on a periodic basis. In this manner, the information presented to the user is more current and thereby more useful.

Regarding claim 2, MicroStrategy teaches a method wherein providing the dashboards comprises providing the same dashboard to a plurality of users, simultaneously (see at least Pages 2, 4, 6 and 10).

Regarding claim 3, Olshansky teaches a method wherein populating the dashboards comprises populating the dashboards with updated information from the database (see at least Pages 2 and 4).

Art Unit: 3625

Regarding claim 4 and related claim 23, MicroStrategy teaches a method wherein creating a plurality of dashboards further comprises selecting filtering parameters (Pages 17 – 22).

Regarding claim 5 and related claim 13, MicroStrategy teaches a method wherein creating a plurality of dashboards further comprises selecting at least one dial for the dashboard (see at least Page 18).

Regarding claim 6 and related claims 14 and 24, MicroStrategy teaches a method wherein selecting at least one dial comprises selecting a dial including one of a 1st Shipment Fill Rate (Stock)--Standard report, a 1st Shipment Fill Rate (Stock)--Exclude Single Line Items report, a 1st Shipment Fill Rate (Stock)--A Items Only report, a 1st Shipment Fill Rate (Stock)--A Items Only--Exclude Single Line Items report, a 1st Shipment Fill Rate (Stock Unit Ship)--Standard report, a 1st Shipment Fill Rate (Stock Unit Ship)--Exclude Single Line Items report, a 1st Shipment Fill Rate (Stock Unit Ship)--A Items Only report, a 1st Shipment Fill Rate (Stock Unit Ship)--A Items Only--Exclude Items report, a Number of Days to 1st Shipment--Stock Items report, a Number of Shipments Per Order--Stock Items report, a % Lines Complete in 10 Days--Stock Items report, an Average Days To Complete Order--Stock Items report, a RGA As % Of Sales report, a Transactional Quality As % Of Sales report, an Order Placement Profile & Order Entry Productivity report, a Requests Met--Stock & Drop Ship Items report, a Requests

Art Unit: 3625

Met--Stock Only Items report, a Requests Met--Drop Ship Items Only report, a Promises Kept--Stock & Drop Ship Items report, a Promises Kept--Stock Items Only report, a Promises Kept--Drop Ship Items Only report, a Product Quality--Percentage report, a Product Quality--DPMO report, a Product Quality--Total RMAs report, a Product Quality--Total RMA Item Quantity report, a Product Quality--RMAs Issued vs. Line Items Shipped report, a Product Quality--RMAs Issued vs. Orders report, a Product Quality--RMAs vs. Total Line Item Quantity report, and a Sales YTM Trend report (see at least Pages 17 – 22). Please note that in online methods and systems for identifying, selecting and displaying specific information that a kind/type including such specifics of the information such as “1 st Shipment Fill Rate (Stock)--Standard report,” is given little patentable weight. The phrase(s) and or word(s) are given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant's invention from MicroStrategy. Thereby, the non-fictional descriptive material is directed only to the content of the data (. i.e. 1 st Shipment Fill Rate (Stock)--Standard report, - which is stored data) and does not affect either the structure or method/process of MicroStrategy, which leaves the method and system unchanged.

Regarding claim 7 and related claim 15, MicroStrategy teaches a method wherein selecting at least one dial with graphic displays comprises selecting a dial owner (Pages 21 – 22). Please note the recitations that “wherein selecting at least one dial

comprises selecting a dial owner”, such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “selecting” already disclosed by MicroStrategy.

Regarding claim 8 and related claim 16, MicroStrategy teaches a method wherein selecting at least one dial comprises selecting an upper spec limit and a lower spec limit for the dial as well as drilldown (Pages 21 – 22). Please note the recitations that “wherein selecting at least one dial comprises selecting a upper spec limit and a lower spec limit for the dial”, such recitation is given little patentable weight because it imparts no structural or functional specificity which serves to patentably distinguish the instant invention from the other “selecting” already disclosed by MicroStrategy.

Regarding claim 9 and related claim 19, Olshansky teaches a method wherein creating a plurality of dashboards comprises selecting a time span for the information used to generate the dashboards (Col 17, lines 60 - 61).

Regarding claim 10 and related claim 27, MicroStrategy teaches a method wherein creating a plurality of dashboards comprises granting viewing privileges for at least one user as well as for the system (Page 10). Please note that MicroStrategy does not specifically disclose regarding viewing privileges. However, the reference does on page 10 provide information that it is a method for communicating business information

and that the method had numerous online users. In that regard, it is old and well known that these methods had password access and therefore one of ordinary skill in the art would have been motivated to extend MicroStrategy with the capability of granting viewing privileges for at least one user.

Regarding claim 12, MicroStrategy teaches a system wherein the at least one dashboard is stored on said at least one server (Page 4).

Regarding claim 18, MicroStrategy teaches a system wherein the at least one dashboard is selectively available through said network, said network is at least one of the Internet, an intranet, a wide area network and a local area network (Pages 4).

Regarding claim 20, MicroStrategy teaches a system wherein said at least one dashboard provides business information based on selectable parameters (Page 17).

Regarding claim 25, MicroStrategy teaches a computer program further comprising a code segment that displays each dashboard in a standardized format (Pages 21 – 22).

Regarding claim 26, MicroStrategy teaches a computer program further comprising: a code segment that accesses the database; a code segment that searches the database regarding the specific inquiry; a code segment that retrieves information from the database; and a code segment that causes the retrieved information to be

displayed on the client system (Pages 4, 17 and 21 – 22).

Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of MicroStrategy and Olshansky and further in view of Marpe (US 6,671,693 B1).

The combination of MicroStrategy and Olshansky discloses and teaches substantially the applicant's invention.

However, the combination does not specifically disclose and teach a system wherein said at least one server regenerates said at least one dashboard on at least one of a command.

On the other hand and regarding claim 17, Marpe teaches a system wherein said at least one server regenerates said at least one dashboard on at least one of a command (see at least Figures 4 and 7 – 10A).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of MicroStrategy and Olshansky with the method and system of Marpe to have enabled a system a system wherein said at least one server regenerates said at least one dashboard on at least one of a command – in order to have dashboards with a scheduling. The combination of MicroStrategy and Olshansky

Art Unit: 3625

teaches a method and system of communicating business information using a network-based system including at least one server coupled to a database and at least one device, said method comprising: creating a plurality of dashboards; storing the dashboards in the database; populating the dashboards using information from the database; providing the dashboards to a user through the device as well as drill down capability and recreating, by the at least one server, the plurality of dashboards on a scheduled periodic basis. Marpe discloses a system wherein said at least one server regenerates said at least one dashboard on at least one of a command (Figure 9). In that regard, one of ordinary skill in the art would have been motivated to extend the combination of MicroStrategy and Olshansky with the capability to have a system wherein said at least one server regenerates said dashboards on at least one of on command. With this capability, the users satisfaction with the communication business information method and system will be enhanced - since they will be able to track scheduled items and be assured that it is updated periodically.

Response to Arguments

Applicant's arguments with respect to claims 1 - 27 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that there is no motivation to combine MicroStrategy with Marpe.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

Art Unit: 3625

combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references are addressing the same problem of extracting from at least one database the required data for populating an electronic report based on a requesting user's query and presenting the data/information in an easy to understand format/display such as a dashboard. For example, MicroStrategy would fairly suggest and teach that it receives a query from the user for an electronic information report and this information/data is extracted from at least one database and presented to the user in a more useful format such as a dashboard (Pages 2, 11, 14 and 21). In turn, Marpe would fairly suggest and teach extracting from at least one database the required data for populating an electronic report based on a requesting user's query and presenting the data/information in an easy to understand format/display such as a dashboard (Figures 9 and 10A). In that regard, one of ordinary skill in the art would have been motivated to extend MicroStrategy with the capability to have a system wherein said at least one server regenerates said dashboards on at least one of on command. With this capability, the users satisfaction with the communication business information method and system will be enhanced - since they will be able to track scheduled items and be assured of receiving updated information, which is presented in a user defined and thereby easier to understand format such as a dashboard.

Applicant argues that Examiner used hindsight reasoning for combining MicroStrategy and Marpe.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Please note that a "traverse" is a denial of an opposing party's allegations of fact.¹ The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made. Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not

¹ Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

Art Unit: 3625

considered to be common knowledge or well-known in the art. 27 CFR

1.104(d)(2), MPEP 707.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03 Reliance on Common Knowledge in the Art or "Well Known" Prior Art. In view of applicant's failure to adequately traverse official notice, the following are admitted prior art: Regarding claim 10 and related claim 27, MicroStrategy teaches a method wherein creating a plurality of dashboards comprises granting viewing privileges for at least one user (Page 10). Please note that MicroStrategy does not specifically disclose regarding viewing privileges. However, the reference does on page 10 provide information that it is a method for communicating business information and that the method had numerous online users. In that regard, it is old and well known that these methods had password access and therefore one of ordinary skill in the art would have been motivated to extend MicroStrategy with the capability of granting viewing privileges for at least one user.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Art Unit: 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

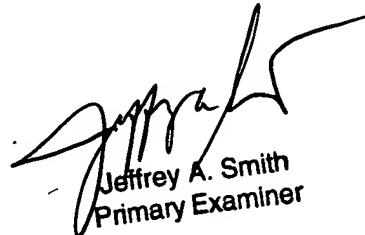
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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RER


Jeffrey A. Smith
Primary Examiner